

## REMARKS

In this Response, Applicant amends claims 10 and 19 and removes the bases for the Examiner's rejections. Amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any of the Examiner's rejections. Support for these amendments can be found throughout the present application. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application. Upon entry of the Amendment, claims 10-13, 17-19, 21-25, and 27-30 are pending in the present application.

### Claim Objections

The Examiner objected to claim 19 for reciting "said fins" and "fins" in lines 3 and 5, respectively.

At the suggestion of the Examiner, Applicant amends claim 19 to recite "fins" and "said fins" in lines 3 and 5, respectively. This amendment removes the basis for the Examiner's objection to claim 19.

### Claim Rejections

35 U.S.C. §§ 102(b), 103(a)

The Examiner rejected claims 10-13, 17-19, 24, 25, 28, and 30 under 35 U.S.C. § 102(b) as being anticipated by Fitz, Jr.

The Examiner also rejected claims 21-23, 27, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Fitz, Jr.

### *Claims 10-13, 17-19, and 21-24*

Independent claim 10 of the present application is directed to a punching apparatus for punching a guide notch in a strip of polymer zipper. Among other things, Applicant's independent claim 10 includes a housing having first and second slots and an open region between the first and second slots, a punch that is slideably moveable within the open region, and a guide that is slideable into the open region. The first and second slots define a slot plane therebetween having upper and lower slot plane boundaries that correspond to respective upper and lower edges of the first and second slots. The punch enters the open region orthogonal to the

slot plane, such that at least a portion of the punch is aligned with one of the upper and lower slot plane edges.

Fitz discloses an apparatus that includes a track having opposed shoulders for receiving a flat cable, guides for positioning the flat cable, and a punch for cutting a slot in the flat cable. (Fitz col. 3, l. 30 to col. 4, l. 22 and Fig. 1.) As shown in Fitz, Figs. 1 and 8, the punch is centrally aligned within the track, and the extremities of the punch are spaced and offset from both of the opposed shoulders. As such, Fitz does not disclose, among other things, an apparatus having a punch that enters an open region orthogonal to a slot plane defined by two slots, such that at least a portion of the punch is aligned with one of the upper and lower slot plane boundaries.

As such, Applicant respectfully submits that independent claim 10 is allowable over the prior art of record. Because independent claim 10 is allowable, claims 11-13, 17-19, and 21-24 are also allowable at least for depending therefrom.

Moreover, dependent claims 11-13, 17-19, and 21-24 are further allowable for reciting additional features not disclosed by the prior art of record. Particularly, claims 11, 17-19, and 22 recite specific features of the punch, claims 12, 13, 21, and 24 recite specific features of the guide, and claim 23 recites specific features of the first and second slots. At least for these reasons, dependent claims 11-13, 17-19, and 21-24 are further allowable over the prior art of record.

#### *Claims 25 and 27*

Independent claim 25 of the present application is directed to punching apparatus for cutting a guide notch into a zipper of a polymeric bag. Among other things, Applicant's independent claim 25 includes a housing having an opening, a first slot for leading a zipper into the opening, a second slot for leading the zipper from the opening, a punch that creates a guide notch in the zipper in response to being moved into the opening while the zipper is present, and a guide mechanism for engaging ends of the guide notch and guiding the zipper to the second slot.

Fitz does not disclose an apparatus for cutting a guide notch into a zipper of a polymeric bag. Rather, Fitz describes an apparatus for positioning and otherwise manipulating a flat cable. (Fitz col. 3, ll. 30-33.) A flat cable is not a zipper. Hence, Fitz does not disclose each and every feature of the apparatus of independent claim 25.

As such, Applicant respectfully submits that independent claim 25 is allowable over the prior art of record. Because independent claim 25 is allowable, claim 27 is also allowable at least for depending therefrom.

Moreover, dependent claim 27 is further allowable for reciting additional features not disclosed by the prior art of record. Particularly, claim 27 recites specific features of a guide slot in the housing. At least for these reasons, dependent claim 27 is further allowable over the prior art of record.

#### *Claims 28-30*

Independent claim 28 of the present application is directed to punching apparatus for cutting a guide notch into a zipper of a polymeric bag. Among other things, Applicant's independent claim 28 includes a housing having a channel with a guide notch cutting region, a first zipper guide slot in the housing for guiding the zipper into the guide notch cutting region, a second zipper guide slot in the housing for guiding the zipper from the guide notch cutting region, a punch for cutting a guide notch in the zipper when advancing through the guide notch cutting region, and a guide mechanism for guiding a trailing edge of the guide notch in the zipper to the second zipper guide slot.

Fitz does not disclose an apparatus for cutting a guide notch into a zipper of a polymeric bag. Rather, Fitz describes an apparatus for positioning and otherwise manipulating a flat cable. (Fitz col. 3, ll. 30-33.) A flat cable is not a zipper. Hence, Fitz does not disclose each and every feature of the apparatus of independent claim 28.

As such, Applicant respectfully submits that independent claim 28 is allowable over the prior art of record. Because independent claim 28 is allowable, claims 29 and 30 are also allowable at least for depending therefrom.

Moreover, dependent claims 29 and 30 are further allowable for reciting additional features not disclosed by the prior art of record. Particularly, claim 29 recites specific features of the first and second slots, and claim 30 recites specific features of the guide mechanism. At least for these reasons, dependent claims 29 and 30 are further allowable over the prior art of record.

## **CONCLUSION**

On the basis of the foregoing Amendment and Remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that this Amendment After Final be entered by the Examiner and the rejections of the pending claims be withdrawn.

Applicant submits that this Amendment After Final and the accompanying Remarks do not raise new issues for consideration or necessitate the undertaking of any additional search of the art by the Examiner because all of the elements and their relationships were either earlier claimed or inherent in the claims as examined. This Amendment After Final should therefore allow for immediate action by the Examiner.

Applicant also submits that entry of this Amendment After Final and the accompanying Remarks would place the present application in better form for appeal, should the Examiner dispute the patentability of any of the pending claims.

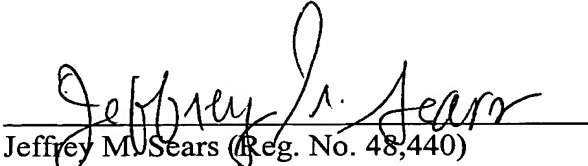
In view of the foregoing remarks, Applicant submits that the claimed invention is neither anticipated by nor rendered obvious in view of the prior art of record. Applicant therefore respectfully requests that the previous rejections of the pending claims be withdrawn, and that claims 10-13, 17-19, 21-25, and 27-30 be allowed. Favorable consideration and timely allowance of this application are respectfully requested.

The Examiner is invited to contact the undersigned at (212) 294-3554 if any additional information or assistance is required.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this paper to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 86012-31400-USPT. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and such fee should also be charged to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 86012-31400-USPT.

Respectfully submitted,

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